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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,360	12/21/2006	Paul J. Hergenrother	ILL01-009-US	8169
43320 7590 09/09/2009 EVAN LAW GROUP LLC 600 WEST JACKSON BLVD., SUITE 625 CHICAGO, IL 60661			EXAMINER BLAND, LAYLA D	
			ART UNIT 1623	PAPER NUMBER
			MAIL DATE 09/09/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

This office action is in response to Applicant's proposed amendment and response after FINAL filed on August 20, 2009.

Applicant's proposed amended claims, adding new limitations regarding measuring fluorescence at 444 nm, present a new issue for search and consideration by the Examiner since the scope of the claims has been changed. The art relied upon in the final rejection mailed April 27, 2009 is silent with respect to the fluorescence emission of fluorophores prepared from NAD⁺. Thus, the proposed amended claims would require further search and consideration. It is noted that amendment of the claims to recite measuring fluorescence at 444 nm was proposed by Applicant in the interview of July 9, 2009. The examiner indicated that such an amendment might help to overcome the rejections of record. Further search and consideration is required to determine if that is the case. It could be considered that the skilled artisan, knowing that formula I can be prepared from NAD⁺ with acetophenone and base, and that the resulting compound can be measured fluorometrically, could determine the appropriate wavelengths to measure the compound.

All rejections of record in the Final Office Action dated April 27, 2009 are maintained in view of the proposed amendment After Final not entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAYLA BLAND whose telephone number is (571)272-9572. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anna Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Layla Bland/
Examiner, Art Unit 1623

/Shaojia Anna Jiang/
Supervisory Patent Examiner
Art Unit 1623